MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6141 OF 2006

CHATRAPATI SHIVAJI SHIKSHAN PRASARAK MANDAL .. PETITIONER

Vs.

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. P. R. Arjunwadkar for petitioner
Mr. C. R. Sonawane, AGP

CORAM: SMT. RANJANA DESAI &
SMT. R. S. DALVI,JJ.

DATE: DECEMBER 4, 2007.

P.C.

. The petitioner has in this petition prayed for a direction to the respondents to sanction grant in aid to the petitioner's school since academic year 2003-2004.

2. Learned counsel for the petitioner has relied on the judgment of this court in Writ Petition No. 138 of 2003 and companion writ petitions dated 8/4/2005. In that case the school was granted permission to open new secondary school on permanent non grant basis. This court observed as under:

> . "6. In other words, the expression "permanent no grant basis" used in the permission dated 2nd June 1993 does not mean denial of no grant permanently but subject to consideration of in accordance with the law and the policy that may be formulated by the State Government on improvement of the State’s financial condition and other relevant circumstances."

3. The learned counsel for the petitioner submitted that State should consider the petitioner’s case in the light of this judgment more particularly in the light of paragraph 6 thereof.

4. In the circumstances of the case, in our opinion, following order will meet the ends of justice:

. "The petitioner shall make a representation to the 1st respondent within four weeks from today setting out his case. Respondent 1 shall consider such representation after giving opportunity of

hearing to the petitioner and shall take appropriate decision in the light of the judgment of this court in Writ Petition No. 138 of 2003 referred to hereinabove within three months from the date of receipt of representation by the 1st respondent.

. Needless to say that if the decision of the 1st respondent is against the petitioner the petitioner will be entitled to challenge the same by adopting appropriate remedies. We keep all contentions of both sides open.

. We make it clear that we have not expressed any opinion on the merits of the petitioner’s case and as to whether the judgment referred to hereinabove is applicable to the petitioner’s case or not.

. The 1st respondent shall consider the petitioner’s case independently and in accordance with law.

. Petition is disposed of.

JUDGE

JUDGE